

1 PAUL S. ARONOWITZ, CSB #83183
2 LAWRENCE E. SKIDMORE CSB #137587
3 KATHLEEN C. LYON, CSB #236224
4 ARONOWITZ & SKIDMORE, INC.
5 200 Auburn Folsom Road, Suite 305
6 Auburn, California 95603
7 Telephone: (530) 823-9736
8 Fax: (530) 823-5241
9 Email: asilaw@asilaw.org

10 Attorneys for Robert Stein, Denise Stein, Adam Stein, Jared Stein
11 And The Robert and Denise Stein Family Limited Partnership,
12 a California Limited Partnership

13 **STATE WATER RESOURCES CONTROL BOARD**
14 **OF THE STATE OF CALIFORNIA**

15 In re petition of;

16 Robert Stein, Denise Stein, Adam Stein,
17 Jared Stein, and The Robert and Denise
18 Stein Family Limited Partnership,
19 a California Limited Partnership

Petition No. _____

**PETITION FOR REVIEW,
(REQUESTED TO BE HELD IN ABEYANCE)**

20 For review of Order:

21 California Regional Water Quality
22 Control Board – Central Valley Region,
23 Adoption of Cleanup and Abatement
24 Order No. R5-2006-0735.

25 **INTRODUCTION**

26 Pursuant to Water Code section 13320 and Title 23 of the California Code of
27 Regulations, section 2020, Petitioners Robert Stein, Denise Stein, Adam Stein, Jared Stein and
28 The Robert and Denise Stein Family Limited Partnership, a California Limited Partnership
(collectively "Petitioner" or "Stein") hereby petitions the State Water Resources Control Board
("State Water Board") for review of the California Regional Water Quality Control Board

1 ("Regional Water Board") Cleanup and Abatement Order No. R5-2006-0735 for Robert and
2 Denise Stein Ice Pond Property, Portola, Plumas County (the "Order").

3 Petitioner requests that this matter be held in abeyance until further notice.

4 **REQUESTING INFORMATION**

5 **1. Petitioner's Information:** (23 Cal. Code Regs. §2050(a)(1))

6 Robert Stein, Denise Stein, Adam Stein, Jared Stein and The Robert and Denise Stein
7 Family Limited Partnership, a California Limited Partnership.
8 c/o Walton's Grizzly Lodge
Post Office Box 519, Portola, CA 96122
Phone: (530) 832-4834 Fax: (530) 432-0867

9 **2. Specific Action to be Reviewed:** (23 Cal. Code Regs. §2050(a)(2))

10 California Regional Water Quality Control Board Cleanup and Abatement Order No. R5-
11 2006-0735 issued to Petitioners Robert and Denise Stein relating to Walton's Grizzly Ranch Ice
12 Pond Property located at 5390 Ice Pond Road, Portola, Plumas County, California (the "Ranch").
13 A copy of the order is attached hereto as Exhibit A.

14 **3. Date of Regional Board Action:** (23 Cal. Code Regs. §2050(a)(3))

15 The Order issued December 22, 2006 to Petitioners Robert and Denise Stein.

16 **4. Statement of Reasons for Inappropriate Action:** (23 Cal. Code Regs. §2050(a)(4))

17 Petitioner sets forth a summary Statement of Reasons below, however, Petitioner requests
18 that this petition be held in abeyance pursuant to 23 Cal.Code Regs. §2050.5 and reserves the
19 right to submit an additional Statements of Reasons should this petition be activated.

20 As set forth more fully in the letter addressed to Mr. Phil Woodward, Regional Water
21 Board, and attached hereto as Exhibit B, the Order overlooks the details associated with the
22 discharge that took place from the Ranch into Grizzly Creek:

23 a) Petitioner is not a discharger within the meaning of Water Code section 13304
24 because Petitioner did not cause or permit to be caused such a discharge. The discharge of
25 sediment from Ice Pond Dam was caused by the actions of the Department of Water Resources
26 ("DWR") and Petitioner has a complete defense based on those actions. (See Water Code
27 §13350(c).)

1 i. DWR was informed by Petitioner that the Ice Pond Dam on the Ranch
2 was being held in an open state for repairs. DWR was further informed by Petitioner that there
3 was heavy sediment in Ice Pond. Despite this information, DWR increased the water flow
4 through Ice Pond from 5 Cubic Feet per Second ("CFS") to over 200 CFS which substantially
5 increased sediment churn and caused sediment to be picked up from the bottom of Ice Pond and
6 flow through the open dam gate into Grizzly Creek. (See Water Code §13350(c)(3).)

7 ii. The intentional substantial increase of water flow from Davis Lake,
8 through Ice Pond and into Grizzly Creek was the cause of the release of sediment and silt from
9 Petitioner's Ice Pond Dam into Grizzly Creek. DWR knew or should have known that the
10 increased water flow would cause the waste discharge. Without the increased water flow, there
11 would have been no discharge. The increase in water flow was at the sole control of DWR. (See
12 Water Code §13350(c)(4).)

13 iii. Petitioner took every reasonable precaution to avoid waste discharge
14 from Ice Pond Dam by requesting DWR to lower flows during the time the dam was being
15 repaired and then by notifying DWR that the dam was still not repaired with sufficient time prior
16 to the increase in water flow to stall the increase flow. DWR chose to continue the scheduled
17 flow increase (See Water Code §13350(c)(5).

18 b) Petitioner has cooperated fully to mitigate damages to the waters of the State.
19 When Petitioner received the Order, Petitioner was given only eight days over the holidays to
20 affect cleanup because DWR and Fish and Game (F&G) intended to substantially increase water
21 flow again to control Northern Pike problems in Davis Creek. Such an increase would have
22 washed sediment further downstream and significantly damaged beaver pond and other aquatic
23 life. Despite contesting liability, Petitioner took immediate action to mitigate damage to the
24 environment. Within days of receiving the Order, Petitioner worked with the State and Regional
25 Water Boards And the Department of Fish and Game ("DFG") to put together an emergency
26 cleanup and abatement plan. Petitioner, at Petitioner's sole cost of over \$13,000.00, executed
27 that abatement plan to the complete satisfaction of the Regional Water Board
28

Petitioner is not a discharger within the meaning of Water Code 13304 because Petitioner did not cause or permit to be caused a discharge. (Water Code §13304(a).) The discharge was caused by the actions of the Department of Water Resources ("DWR") and DWR, not Petitioner, should be held liable for some, if not all, of the completed cleanup and further abatement contemplated in the Order

5. Manner in Which Petitioner is Aggrieved: (23 Cal. Code Regs. §2050(a)(5))

Petitioner has already incurred damages of over \$13, 000.00 and will incur considerably more damages if held liable for the future terms of the Order, such as restoration of the creek beds where cleanup took place. See No. 4 above.

6. Action Requested: (23 Cal. Code Regs. §2050(a)(6))

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal.Code Regs. §2050.5 and reserves the right to request review and revocation of the Regional Water Board's Order should this petition be activated.

7. Statement of Points and Authorities. (23 Cal. Code Regs. §2050(a)(7))

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal.Code Regs. §2050.5 and reserves the right to submit points and authorities should this petition be activated. See No. 4 above.

8. Notice: (23 Cal. Code Regs. §2050(a)(8))

A copy of this petition has been sent to the Regional Water Quality Control Board.

A copy of this petition has been sent to the Department of Water Resources.

A copy of this petition has been sent to Department of Fish and Game.

9. Statement of Substantive Issues and Objections: (23 Cal. Code Regs. §2050(a)(9))

Petitioner has raised those substantive issues or objections known to Petitioner with the Regional Water Board, however, discussions between the Regional Water Board, DWR and Petitioner are ongoing. Therefore, Petitioner requests that this petition be held in abeyance pursuant to 23 Cal.Code Regs. §2050.5 and reserves the right to assert substantive issues and objections should this petition be activated. See No. 4 above.

1 **10. Record Request:**

2 Petitioner requests that this petition be held in abeyance pursuant to 23 Cal.Code Regs.
3 §2050.5 and reserves the right to request that the Regional Water Board prepare the record
4 should this petition be activated.

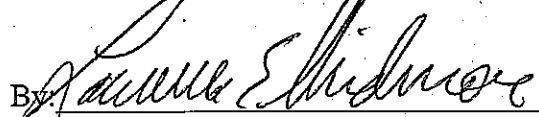
5 **CONCLUSION**

6 For the foregoing reasons, Petitioner respectfully requests a review and hearing on the
7 Order, and to present evidence that Petitioner is not a discharger within the meaning of the Water
8 Code, and that this petition be held in abeyance until further notification by Petitioner.

9 Dated: January 12 2007

Respectfully submitted,

10 ARONOWITZ & SKIDMORE, INC.

11 
12 By Paul S. Aronowitz

13 PAUL S. ARONOWITZ

14 LAWRENCE E. SKIDMORE

KATHLEEN C. LYON

15 Attorneys for Robert Stein, Denise Stein,
16 Adam Stein, Jared Stein, and The Robert and
17 Denise Stein Family Limited Partnership,
18 a California Limited Partnership.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0735

FOR
ROBERT AND DENISE STEIN
ICE POND ROAD PROPERTY
PORTOLA
PLUMAS COUNTY

This Order is issued to Robert and Denise Stein based on provisions of California Water Code Section 13304, which authorizes the Regional Water Quality Control Board, Central Valley Region (Regional Water Board) to issue a Cleanup and Abatement Order (Order) and California Water Code section 13267, which authorizes the Regional Water Board to issue an order requiring submittal of monitoring and technical reports.

The Executive Officer of the Regional Water Board finds that:

1. Robert and Denise Stein, 19883 Echo Blue, Penn Valley, CA 95946 (hereafter Discharger), are the trustees of the property located at 5390 Ice Pond Road in Portola, Plumas County. The property (APN 025-100-032) includes a concrete dam (Ice Pond Dam) across Big Grizzly Creek in Section 20, Township 23 North, Range 14 East, MDB&M. Big Grizzly Creek is downstream of Lake Davis and contains an excellent trout fishery and is used as an agricultural water supply.
2. On 13 December 2006, Regional Water Board staff and Department of Fish and Game (DFG) staff conducted an inspection of Big Grizzly Creek downstream of the Ice Pond dam. The inspection was in response to a report of a large quantity of sediment in the creek which had covered the water intake to the Grizzly Ranch Golf Course. Investigation by Regional Water Board and CFG staff revealed up to 40 inches of sediment deposited in the creek bed downstream of Ice Pond, destroying aquatic habitat and eliminating benthic invertebrates in varying degrees for more than one quarter mile downstream from Ice Pond Dam.
3. The sediment originated from sediments accumulated over the years in the Ice Pond behind the concrete dam. During a period when the upstream flows from Lake Davis were curtailed in early November to facilitate installation of equipment and performance of flow studies, the Discharger opened the gate in the bottom of Ice Pond Dam and drained the pond to effect repairs on the gate. When flows from Lake Davis resumed, the Discharger had not completed repairs and the gate was held open. The stream flows through the now empty pond scoured the deposited sediment and transported it downstream of the Ice Pond.
4. The discharge of earthen material, soil and sediment into waters of the state constitute "waste" as defined in California Water Code section 13050. The

DWR released 200 CFS ~~which~~ up from 23 CFS which caused the sediment to be pushed down the creek.

EXHIBIT

A

Discharger, who owns the site, has caused waste, e.g., earthen material, soil, and sediment to be discharged directly into surface waters, which are waters of the state and waters of the United States. The Discharger, through this activity, has caused waste to be discharged where it has caused a condition of pollution or nuisance by increasing levels of sediment, settleable and suspended material, and turbidity.

5. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference, plans and policies adopted by the State Water Resources Control Board. The Basin Plan at page II-2.00 states that the "...beneficial uses of any specifically identified water body generally apply to its tributary streams." The Basin Plan does not specifically identify beneficial uses for Big Grizzly Creek, but does identify present and potential uses for the Middle Fork Feather River from Little Last Chance Creek to Lake Oroville to which Big Grizzly Creek is tributary. These beneficial uses, identified in Table II-1 of the Basin Plan are municipal and domestic supply; water contact and non-contact recreation, including aesthetic enjoyment; warm and cold freshwater habitat; cold spawning, and preservation and enhancement of fish, wildlife, and other aquatic resources. Although not specifically listed in Table II-2, agricultural supply, including stock watering is an existing, but not designated use. The site inspection and general knowledge of the area supports that all these beneficial uses either do exist or have the potential to exist in Big Grizzly Creek downstream of Ice Pond Dam.
6. The Basin Plan lists specific water quality objectives for inland surface waters. These objectives include limitations on sediment, settleable and suspended material, and turbidity. Based on staff observations, the Discharger's activities in opening the gate in the bottom of the Ice Pond Dam have resulted in the placement and disturbance of sediment and soil, where it discharged into a surface water drainage courses. The discharge of waste to surface waters has created a condition of pollution and threatens to continue to create a condition of pollution or nuisance when earthen materials are transported downstream by stream flows increasing levels of sediment, settleable and suspended material, and turbidity. Sediments deposited on the creek bed have substantially changed the characteristics of the creek bottom, smothering existing benthic life and affecting an agricultural water intake. The impact of the deposited sediment will continue until the sediment is removed.
7. Section 13304(a) of the California Water Code provides that:

"Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements or other order or prohibition issued

by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the fact may warrant."

8. As described in Findings 1 through 3, the Discharger is subject to an Order pursuant to Water Code section 13304 because the Discharger is the trustee and/or owner of the property and took the actions that resulted in the discharges of waste to waters of the State.

9. Section 13304(c)(1) of the California Water Code provides that:

"If the waste is cleaned up or the effects of the waste are abated, or, in the case of threatened pollution or nuisance, other necessary remedial action is taken by any governmental agency, the person or persons who discharged the waste, discharges the waste, or threatened to cause or permit the discharge of waste within the meaning of subdivision (a), are liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up the waste, abating the effects of the waste, supervising cleanup or abatement activities, or taking other remedial action. The amount of the costs is recoverable in a civil action by, and paid to, the governmental agency and state board to the extent of the latter's contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account or other available funds."

10. Section 13267(b)(1) of the California Water Code provides that:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship

CLEANUP AND ABATEMENT ORDER NO. R5-2006-0735
ROBERT AND DENISE STEIN
5390 ICE POND ROAD, PORTOLA, PLUMAS COUNTY

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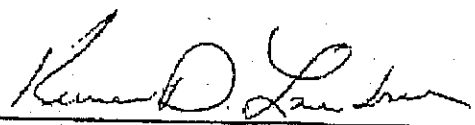
to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports."

11. As described in Findings 1 through 3 above, the Discharger is subject to an Order pursuant to Water Code section 13267 because he took the actions that have resulted in the threatened discharge of waste to waters of the State. The reports required by this Order are necessary to assure that the work required is completed in compliance with applicable state law and requirements to protect the beneficial uses of waters of the State.
12. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
13. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at www.waterboards.ca.gov/centralvalley or will be provided upon request.

IT IS HEREBY ORDERED THAT, pursuant to Sections 13267 and 13304 of the California Water Code, Robert and Denise Stein shall cleanup the waste and abate the effects of the discharge and threatened discharge of waste, including earthen materials, soil, and sediment to waters of the state as follows:

1. Complete, forthwith but no later than **1 January 2007**, corrective actions necessary to remove the sediment discharged from the Ice Pond to Big Grizzly Creek, including but not necessarily limited to, the following:
 - (a) Remove, as reasonable feasible, all fine grained sediment deposited from the Ice Pond for approximately ¼ mile downstream to the rock diversion dam, including the sediment covering the intake to the Grizzly Ranch Golf Course.
 - (b) Operate the gate in the Ice Pond dam in a manner that prevents the downstream discharge of additional sediment currently residing below the high water line of the Ice Pond to Big Grizzly Creek.
 - (c) Prior to beginning remedial activities, notify Regional Board and California Department of Fish and Game staff by phone of the plan and time frame for beginning sediment removal activities.

- (d) Provide Regional Water Board and California Department of Fish and Game staff access to areas of the property to conduct monitoring as needed during and after the implementation of your sediment removal project.
2. Submit by **1 February 2007**, a written Completion Report describing what actions you have taken to comply with this order, including the methodology of cleanup, quantity of sediment removed from Big Grizzly Creek, and what actions are proposed to prevent a recurrence of a similar discharge. The Completion Report is to be prepared by a professional knowledgeable and experienced in stream restoration
3. Reimburse, if requested, the Regional Water Board for reasonable costs associated with oversight of actions taken in response to this Order. By **7 February 2007** submit the name and address to be used for billing purposes for oversight charges.
4. The Executive Officer may refer this matter to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.
5. Failure to comply with a cleanup and abatement order or the dates specified may result in further enforcement actions, including actions under section 13350, 13385, and 13387 of the California Water Code, which allows for administrative civil liability up to a maximum of five thousand dollars (\$5,000) for each day of violation.


for Pamela C. Creedon
Executive Officer

22 December 2006
(Date)

PVW/sae

CACRS-2006-RobertSteinkamp

Law Offices of
ARONOWITZ & SKIDMORE, INC.

A Professional Corporation
200 Auburn Folsom Road, Suite 305

Auburn, California 95603
(530) 823-9736 - Telephone (530) 823-5241 - Facsimile

Paul S. Aronowitz
Lawrence E. Skidmore
Andrew A. Harris
Kellie A. Gruenefeldt
Kathleen Cordova Lyon

Reply to:

Kathleen Cordova Lyon
klyon@asilaw.org

VIA FAX & U.S. MAIL

December 26, 2006

Mr. Phil Woodward
California Regional Water Quality Control Board
1100 Sun Center Drive, #200
Rancho Cordova, California, 95670

Re: Robert and Denise Stein
Cleanup and Abatement Order No. R5-2006-0725

Dear Mr. Woodward:

As we discussed in our telephone conversation today, my office represents Robert and Denise Stein in the above referenced matter. I have put together a chronology of communications and events since August, 2006 that should help explain the sediment found downstream of our dam. As you will see below, there appears to have been a lack of communication from DWR to the Walton's Grizzly Lodge (the "Lodge") regarding the effects of the drastic flow level changes of the creek performed by DWR. I look forward to working with you to reach a quick and amicable resolution and to protect the lakes and Grizzly Creek.

Time Line:

On August 27, 2006 the Grizzly Ranch Golf Course asked the Lodge to close the dam gate at Ice Pond (the "Dam Gate") so that they could perform some pipe installation down stream. The Lodge tried to close the gate but it would not operate properly.

In September, 2006, the Lodge determined what was wrong with the gate and contracted to have it fixed. During September, the Lodge (Jared Stein) called Moari Miller at the Beckworth office of the Department of Water Resources ("DWR") and Ed Pert at the Department of Fish and Game ("DFG"). Mr. Stein requested DWR to decrease the water flow so the Lodge could repair the Dam Gate. DFG also wanted flows reduced to conduct fish studies in the stream so all parties scheduled to have the flow reduced to 0.5 CFS between November 3 through November 10, 2006 and perform their work at the same time.

EXHIBIT B

On November 9, 2006 the water level was low enough for the Lodge to begin repairs, however, the repairs were more extensive and additional materials were needed. The same day, November 9, 2006, Mr. Stein again called Moari Miller and told him the Dam Gate had to be held open with cumalongs and chains and that it would take several days for the contractor to get the additional materials required to make the repairs. Mr. Stein also informed Mr. Miller that there was a significant amount of sediment in the lake, far more than they had previously seen and that the clear creek channel that runs through Ice Pond was full of sediment.

Mr. Miller did not comment on the sediment nor on the Dam Gate remaining open. Mr. Miller told Mr. Stein that DWR would be doing flow tests on the 14th and 15th of November, 2006, where the flow would be increased from 23 CFS (normal flow) to 200+ CFS in a six hour time period then back to normal again. Mr. Miller did not mention that anything needed to be done by the Lodge at the Dam Gate during these flow tests. Mr. Stein assumed that Mr. Miller was taking into consideration the open gate and high sediment levels at Ice Pond in scheduling the high flow tests and that Mr. Miller was not concerned or he would have voiced his concern or delayed the high flow tests then. In fact, there was an email from DWR regarding the flow reduction from November 3rd to 10th, but nothing regarding the increased flow.

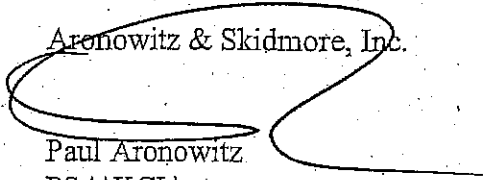
The repairs on the Dam Gate were finished on November 16, 2006. Mr. Stein then spoke with Jim Scarborough, Head Water Master for DWR regarding the current flow rate. Mr. Scarborough told Mr. Stein that he had been to the Ice Pond to see the Dam recently but he made no mention of sediment.

It appears that the intense flow increases and decreases stirred up an excessive amount of sediment and the high flow pushed that sediment into the creek through the open Dam Gate. The sediment would not have otherwise washed into the creek at normal flow levels or if the flow increases had been delayed until the Dam Gate work was completed.

I hope this clarifies the unfortunate chain of events and I look forward to the parties resolving this matter soon. Please call me if you have any further questions.

Sincerely,

Aronowitz & Skidmore, Inc.



Paul Aronowitz
PSA\KCL\

cc: Robert and Denise Stein

1 In re petition of: Robert Stein, Denise Stein, Adam Stein, Jared Stein, and The Robert
2 and Denise Stein Family Limited Partnership, a California Limited
Partnership

3 Petition Number: _____
4

5 **PROOF OF SERVICE**

6 I, the undersigned, declare as follows:

7 I am a citizen of the United States, over the age of eighteen years, and not a party to the
8 within action. My business address is 200 Auburn Folsom Road, Suite 305, Auburn, California
95603.

9 I am readily familiar with my firm's practices for collection and processing of
correspondence for mailing with the United States Postal Service and know that each day's
10 correspondence is deposited with the United States Postal Service that same day in the ordinary
course of business.

11 On this date I served a copy of the within **PETITION FOR REVIEW, (REQUEST TO**
12 **BE HELD IN ABEYANCE)** on the other parties in this action by:

13 X enclosing a true copy thereof in a sealed envelope, first class postage thereon fully
14 prepaid, and placing the envelope in the firm's daily mail processing center for mailing
with the United States Postal Service the same day at Auburn, California, addressed as
indicated below;

15 _____ enclosing a true copy thereof in a sealed envelope, first class postage thereon fully
16 prepaid, and placing said envelope in the United States Mail at Auburn, California;
addressed as shown below;

17 _____ By Facsimile Transmission (FAX); by personally transmitting a true copy thereof via an
18 electronic facsimile machine between the hours of 9:00 a.m and 5:00 p.m.

19 Pamela Creeden, Executive Officer
Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive, #200
20 Rancho Cordova, CA 95670-61114

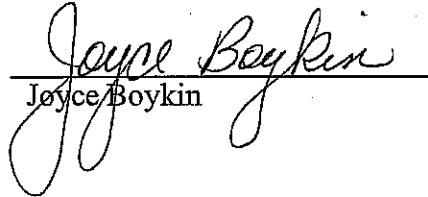
21 Philip V. Woodward
Regional Water Quality Control Board, Central Valley Region
22 Senior Engineering Geologist
415 Knollcrest Drive, Suite 100
23 Redding, CA 96002

24 Lieutenant Lisa Stone
Department of Fish and Game
25 P.O. Box 936
Susanville, CA 96130
26
27
28

1 Maury Miller
2 Operations Superintendent
3 Department of Water Resources
4 P.O. Box 1191
5 Oroville, CA 95966

6 Laurence Kerckhoff
7 Staff Counsel
8 Department of Water Resources
9 1416 - 9th Street, Room 1118-18
10 Sacramento, CA 95814-0001

11 I declare under penalty of perjury, under the laws of the State of California, that the
12 foregoing is true and correct. Executed on January 19, 2007, at Auburn, California.
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Joyce Boykin